

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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In re) **Chapter 11**
)
SEARS HOLDINGS CORPORATION, *et al.*) **Case No. 18-23538 (RDD)**
)
Debtors.) **(Jointly Administered)**
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**ORDER GRANTING MOTION OF CAITO FOODS, LLC FOR PAYMENT OF
PACA TRUST CLAIM**

Upon the motion, dated April 1, 2019 (Doc. No.____) (“Motion”) of Caito Foods, LLC (“Caito Foods”), for entry of an order directing Debtors Kmart Corporation and/or Kmart Stores of Illinois, LLC (“Debtors”) to pay its pre-petition trust claim arising under the Perishable Agricultural Commodities Act (PACA) 7 USC §499(a) *et seq.*; and the Court having jurisdiction to decide the Motion and the relief requested therein; and the requested relief being a core proceeding pursuant to 28 U.S.C. §157(b); and venue being proper before the Court pursuant to 28 U.S.C. §1408 and §1409; and due and proper notice of the relief requested in the Motion having been provided in accordance with the *Amended Order Implementing Certain Notice and Case Management Procedures*, entered on November 1, 2018 (Doc. No. 405); and such notice having been adequate and appropriate under the circumstances; and it appearing that no other or further notice need be provided; and the Court having held a hearing on April 18, 2019 (“Hearing”) to consider the relief requested in the Motion; and upon the record of the Hearing, and upon all of the proceedings had before the Court; and the Court having determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted therein; and after due deliberation and sufficient cause appearing therefor; the Motion is well-taken and:

IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED.
2. Caito Foods has a valid and perfected PACA trust claim against the Debtors in the principal amount of \$37,445.44 plus accrued interest through April 10, 2019 of \$3,776.97 for a current PACA trust claim of \$41,222.41.
3. Debtors are hereby directed to pay Caito Foods' PACA trust claim within fourteen (14) days of entry of this Order.
4. Caito Foods is hereby granted leave to file a fee application within twenty-one (21) days of entry of this Order.
5. The Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation, interpretation and the enforcement of this Order.

IT IS SO ORDERED.

Dated: April____, 2019
White Plains, New York

HONORABLE ROBERT D. DRAIN
UNITED STATES BANKRUPTCY JUDGE